United Nations A/C.3/64/SR.29

General Assembly
Sixty-fourth session

Official Records

Distr.: General
3 December 2009

Original: English

Third Committee

Summary record of the 29th meeting
Held at Headquarters, New York, on Monday, 26 October 2009, at 3 p.m.

Chairperson: Mr. Penke ..... (Latvia)
later: Mr. Pérez (Vice-Chairperson) ..... (Peru)
later: Mr. Penke (Chairperson) ..... (Latvia)
later: Mr. Pérez (Vice-Chairperson) ..... (Peru)

Contents

Agenda item 69: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

09-57659 (E)

Please recycle

The meeting was called to order at 3 p.m.

Agenda item 69: Promotion and protection of human rights (*continued*) (A/64/81)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/64/159, 160, 170, 171, 175, 181, 186, 187, 188, 209, 211 and Corr.1, 213 and Corr.1, 214, 216, 219, 226, 255, 256, 265, 272, 273, 279, 289, 290, 293, 304, 320 and 333)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/64/224, 318, 319 and Corr.1, 328, 334 and 357)

1. **Ms. Neuwirth** (Director, New York Office of the High Commissioner for Human Rights), introducing a number of reports, said that the report of the Secretary-General on the Subregional Centre for Human Rights and Democracy in Central Africa (A/64/333) provided an outline of developments in that subregion during the period under review. There had been notable advances towards peace, security and reconciliation, with political negotiations leading to peace processes in some countries. However, electoral processes were a source of tension and violence in other countries, while the Great Lakes region and neighbouring areas were characterized by continued violence in eastern Democratic Republic of the Congo, Chad and the Central African Republic. Those situations highlighted the fragility of peace and the need for sustainable solutions.

2. The report also highlighted the activities carried out by the Centre in support of Governments and civil society and their endeavours to uphold a culture of peace, human rights and democracy. The assistance consisted of capacity-building, advisory services and technical cooperation, public information and sensitization, in close collaboration with State and non-state actors, United Nations country teams, the regional organizations and development cooperation partners.

3. The report of the Secretary-General on national institutions for the promotion and protection of human rights (A/64/320) covered a range of activities undertaken by the Office of the United Nations High Commissioner for Human Rights (OHCHR) to provide technical assistance for national human rights institutions, as well as cooperation between those institutions and international human rights mechanisms. The report of the Secretary-General on the International Year of Human Rights Learning (A/64/293) provided a sample of initiatives and commemorative activities undertaken to achieve the objectives of the International Year and to advance human rights education more broadly.

4. The report of the Secretary-General on globalization and its impact on the full enjoyment of all human rights (A/64/265) contained a summary of views on globalization and its impact on the full enjoyment of all human rights from a number of Governments and United Nations entities. It provided a focused insight into challenges that were being addressed and initiatives undertaken to make globalization conducive to the realization of human rights and would help frame and inform ongoing work in that area.

5. The report of the Secretary-General on the right to development (A/64/256) supplemented the interim report of the Secretary-General on the right to development submitted to the Human Rights Council the previous month. The report provided information on the outcome of the tenth session of the Working Group on the Right to Development, held in June 2009, including the most salient elements of the consensus achieved on the need for the Working Group's task force to focus, inter alia, on the refinement of the right to development criteria and elaboration of corresponding operational subcriteria to address the concerns of the international community and cover the essential features of the right to development, as defined in the Declaration on the Right to Development.

6. The report of the Secretary-General on combating defamation of religions (A/64/209) examined the relevant legal framework and the implementation of General Assembly resolution 63/171 on combating defamation of religions. It also provided an overview of pertinent developments in the context of the mandate of OHCHR, the Durban Review Conference and United Nations human rights treaty bodies and special procedures. The report of the Secretary-General on the protection of migrants (A/64/188) was an annual report and included some Government submissions. The report also flagged the High Commissioner's strategic thematic focus on migration for 2010-2011.

7. The report of the Secretary-General on protecting human rights and fundamental freedoms while countering terrorism (A/64/186) referred to recent developments within the United Nations system in that area. Despite recommendations made by the human rights mechanisms, some countries still used vague definitions of terrorism offences, creating the possibility of misapplication against political dissent, social movements and other acts unrelated to terrorism. Many States continued to apply exceptional criminal procedures in terrorism-related matters, in some cases raising concerns on the part of international mechanisms over infringements of the principles of necessity and proportionality, and respect for non-derogable rights. The report recommended, inter alia, the total prohibition of torture and access for monitoring bodies to all prisoners in places of detention.

8. The report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran (A/64/357) highlighted trends in the human rights situation in the Islamic Republic of Iran since June 2008, surveying various thematic human rights issues, including analysis of economic, social and cultural rights in that country and information on human rights concerns that arose in the aftermath of the 2009 presidential elections. Measures taken by the Government to prevent stoning and limit the application of the death penalty to juveniles were also highlighted, although those steps had not always been enforced. The report urged the Government to implement without delay the recommendations put forward by the special procedures of the Human Rights Council, the International Labour Organization Committee of Experts and the human rights treaty bodies.

9. The report of the Secretary-General on the situation of human rights in the Democratic People's Republic of Korea (A/64/319 and Corr.1) highlighted the persistent human rights violations occurring in that country. Based on contributions from United Nations agencies which had humanitarian programmes in the Democratic People's Republic of Korea, the report drew particular attention to critical food crises and other humanitarian concerns. The report also reiterated the offer made by OHCHR to provide technical assistance as a form of constructive engagement.

10. **Mr. Mamdouhi** (Islamic Republic of Iran) said that General Assembly resolution 63/191, which had given the Secretary-General the mandate to report on the situation of human rights in the Islamic Republic of Iran, was the result of the political ambitions of the Government of Canada, which was abusing the United Nations human rights mechanism to achieve its political goals. His Government, after presenting objective and comprehensive information to OHCHR, had been greatly dismayed and surprised to realize that the report did not reflect the actual human rights situation in the country but rather resembled a catalogue of outdated allegations.

11. The report presented various developments in a negative way while turning a blind eye to the many achievements and positive developments. The report was partial, imbalanced, selective and far from accurate. It recommended that the Islamic Republic of Iran should submit its reports under the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, when those reports had in fact already been submitted and were awaiting consideration by the relevant treaty bodies.

12. Iranian human rights policy was based on national and regional particularities and the country's cultural, historical and religious background, with continuous emphasis on an interactive and cooperative approach towards fulfilment of human rights obligations. It entailed measures to overcome obstacles that hindered the full and effective enjoyment of all human rights. His Government would make full use of its potential for achieving the full realization of human rights, based on constitutional law and its commitment to the international human rights instruments to which his country had acceded. It would continue to promote human rights, despite its criticism of the Secretary-General's report. His Government's commitment to protection and promotion of human rights was deeply rooted in Iranian beliefs and values.

13. **Ms. Mballa Eyenga** (Cameroon), referring to the Secretary-General's report on the Subregional Centre for Human Rights and Democracy in Central Africa (A/64/333), said that it would have been preferable for the Centre to report on what had worked and what difficulties had been encountered in implementing the strategy for 2007-2009. She asked whether sufficient staff had been recruited for the Centre, as that had not been the case in 2008, despite the General Assembly's request in 2007 for additional human resources.

14. Ambassadors of the subregion and representatives of the main Cameroonian ministries had participated in the brainstorming session held in May 2009 on the Centre's possible orientations and activities for the biennium 2009-2011. She hoped that the Centre's new Director would hold such sessions regularly in the future. As elections were still taking place in Central Africa, the Centre should contribute to the work of States in the subregion, including by providing training and by sensitizing civil society, communicators and other human rights actors in human rights and civic responsibility. Those elements should be incorporated into the new strategy.

15. In response to comments made in the report, she said that Cameroon was committed to making every effort to ensure that prisoners were treated humanely and with dignity, in particular by reforming its prison system and with the support of multilateral and bilateral partners, including the European Union. Cameroon was seeking to improve its judicial and prison institutions and detention conditions, in particular by increasing the resources available for refurbishment of prisons and the treatment of prisoners.

16. With regard to violations of the freedom of communication, her Government had been working to strengthen the capacity of media entities since at least 2006. The Centre had contributed to the training of journalists in their role in supporting human rights, and she hoped that those efforts would continue throughout the subregion. One of Cameroon's priorities was to raise journalists' awareness of ethical principles.

17. **Ms. Neuwirth** (Director, New York Office of the High Commissioner for Human Rights) said that the report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran was based on information from the OHCHR special procedures, the human rights treaty bodies and also from Governments, international organizations, the media and non-governmental organizations. The report had been shared with the Iranian Government so that it could comment and improve factual information on specific cases mentioned. The consultation was intended to address concerns of bias and ensure that the report was finalized in a consultative manner.

18. The staff of the Subregional Centre for Human Rights and Democracy in Central Africa consisted of one Senior Human Rights Officer at the P-5 level, one Regional Adviser on Democracy at the P-4 level, two Human Rights Officers at the P-3 level and 7 local staff, a total of 11 staff members. The adoption of the OHCHR strategic management plan for 2006-2007 had led to the development of a three-year strategy for the Centre for 2007-2009, more consistent engagement with stakeholders and strengthening of existing partnerships and collaboration with the United Nations country teams, members of the Economic Community of Central African States (ECCAS), national human rights institutions, civil society organizations and the media.

19. The priority areas for the Centre in 2009 included building the capacity of indigenous peoples in relation to racism and discrimination; training security forces; combating human trafficking; supporting public sensitization campaigns on violence against women; transitional justice; human rights education activities with schools, universities and other educational institutions, reducing discrimination against people with disabilities; building capacity on gender and human rights; building capacities of journalists in human rights; and strengthening the capacities of ECCAS countries to address democracy issues.

20. **Mr. Pascoe** (Under-Secretary-General for Political Affairs) said that the report of the Secretary-General on strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization (A/64/304) described the activities of the United Nations system in providing electoral assistance to Member States over the previous two years. Demand from Member States for electoral assistance had remained high and the assistance had been provided in conformity with the principle of the sovereign equality of States and the realization that no single methodology was appropriate for all countries.

21. Positive trends included the increasing use of elections as a peaceful means of discerning the will of the people, the growing capacity of newer democracies to administer credible elections and increasing South-South cooperation among electoral administrators. The challenges to be addressed included the potential for elections to be overshadowed by political discord; election costs and sustainability concerns; and the need to ensure coordination and cohesion and safeguard United Nations impartiality.

22. The United Nations had continued to enhance cooperation with other international, governmental and non-governmental organizations in order to strengthen the delivery of electoral assistance and continued to work on electoral issues in collaboration with regional intergovernmental organizations, taking specific measures to prevent or mitigate conflict related to elections. The Secretary-General encouraged Member States, donors and assistance providers to consider the cost of election processes within the context of other development priorities, in particular the Millennium Development Goals. The true measure of an election was whether it engendered broad public trust in the process and in the outcome. An election run honestly, responsibly and transparently was most likely to achieve an accepted and peaceful outcome.

23. **Ms. Sicade** (United States of America) asked for information on trends in electoral assistance, the areas of greatest need and how Member States could assist.

24. **Mr. Jenness** (Director, Electoral Assistance Division, Department of Political Affairs) said that there was concern about elections potentially leading to conflict. The report referred to several cases in which the Secretary-General had used his good offices at the request of Member States, including in Bangladesh, the Maldives, and Mauritania. There was also concern about the cost of elections, especially with the economic downturn, as Member States could be dependent on donors or vendors for an extended period. It was important, when providing electoral advice, to factor in sustainability and the need to balance electoral costs with other priorities, such as achieving the Millennium Development Goals. A third element was the continuing need for the United Nations and those providing assistance to act in a coherent and sustainable fashion, working always at the request of Member States.

25. **Ms. Hassan** (Djibouti) asked why poorer countries were choosing to hold elections with exorbitant costs.

26. **Mr. Jenness** (Director, Electoral Assistance Division, Department of Political Affairs) said that he would not venture a guess as to why certain choices were made. The United Nations had to present all the possible options, while also taking account of longer-term cost and sustainability.

27. **Mr. Ndimeni** (South Africa) wondered whether Member States actually had any choice, in view of the cost of elections and the pressure placed on Member States to ensure their fairness and transparency. There were many costs involved in providing materials and technology. It might be more productive and effective for regional organizations such as the African Union to address those issues.

28. **Mr. Jenness** (Director, Electoral Assistance Division, Department of Political Affairs) said that he was aware that electoral advisers often recommended very expensive systems. The report did not imply that financial assistance should not be given or that costs should not be incurred, but there were different ways of ensuring free and fair elections. Some of the most important elements, such as transparency and impartiality, did not involve costs, although a system that worked in one country would not necessarily be appropriate for another. All Member States wished to adhere to the principles of equality, transparency, openness and fairness, but some countries chose high-technology systems involving biometric data, while others used paper-based systems. The Subregional Centre did work closely with the African Union, the Southern African Development Community and other regional organizations, and there was an increasing amount of cooperation in the area of electoral systems.

29. **Mr. Ndimeni** (South Africa) said that transparency did have a cost, as it was defined by technological standards. Unfortunately, some standards were not necessarily applicable to the developing world. In South Africa, many areas were inaccessible and the transfer of data and access to television and radio systems were costly. Sometimes there was simply no infrastructure. The global community was concerned that elections should be concluded within a certain time frame, but developing countries, without any intention to distort the outcome or prevent the electorate from participating, had problems with access, infrastructure, roads and many other factors. Some of the elements discussed by United Nations entities did not reflect reality on the ground.

30. **Mr. Jenness** (Director, Electoral Assistance Division, Department of Political Affairs) said that some of the comments in the report addressed those issues. According to the report, the true measure of an election was whether it engendered broad public confidence in the process and trust in the outcome. Such confidence and trust could be achieved in various ways, as there was no one prescription to fit all.

31. **The Chairperson** invited the Committee to begin its general discussion of the sub-items under consideration.

32. **Mr. Mac-Donald** (Suriname), speaking on behalf of the Caribbean Community (CARICOM), said that the global economic and financial crises were having devastating effects across the globe, especially on the poorest people in developing countries, where the crisis had not originated. The crises were putting a heavy strain on the enjoyment of various human rights for vulnerable groups and severely hampering developing countries' efforts to achieve the Millennium Development Goals. There was pressure on the enjoyment of economic, social and cultural rights, and also of political rights, as curtailment of protests infringed on the right to freedom of expression.

33. It was regrettable that no consensus had been reached at the tenth special session of the Human Rights Council on the adoption of the resolution on the impact of the global economic and financial crises on the realization and effective enjoyment of human rights. In the Caribbean region, decreasing levels of revenues and high levels of external debt threatened to halt or reverse economic growth. The negative effects of climate change further exacerbated the region's ability to ensure the full enjoyment of human rights.

34. Despite the Caribbean countries' impressive strides in socio-economic development in recent years, the region was very vulnerable, as countries had already used their limited resources to provide support for the livelihood of their peoples. Their arbitrary ranking in the high and medium development categories limited their options for development assistance. CARICOM agreed with the Special Rapporteur on human rights and extreme poverty that the financial crisis must not be used as an excuse to break the commitments made by developed countries to provide 0.7 per cent of gross domestic product in official development assistance. CARICOM member States supported the institution-building mechanism of the Human Rights Council and several of them had already undergone the universal periodic review process, with technical support from OHCHR.

35. Human rights education should be a critical component in the national implementation of human rights instruments and the proclamation of the World Programme for Human Rights Education reflected the growing recognition that it was essential for building a universal culture of respect for human rights. Activities undertaken at the national, regional and international levels clearly indicated the growing commitment by Governments to that area. Enhanced partnerships and collaboration were needed to achieve the objectives of the World Programme and the International Year of Human Rights Learning. The second phase of the World Programme would begin in January 2010.

36. CARICOM objected to the use of torture and other inhumane or degrading treatment or punishment in the fight against terrorism and stressed that the application of counter-terrorism measures should always be in accordance with international law. Respect for the rule of law, the basic standards of fair trial and due process and the right of equality before the courts should be guiding principles in counter-terrorism activities. Lastly, he expressed appreciation to all those who had supported the initiative to erect a permanent memorial at United Nations Headquarters to the victims of slavery and the transatlantic slave trade. Activities were continuing to finalize its placement.

37. *Mr. Pérez (Peru), Vice-Chairperson, took the Chair.*

38. **Mr. Heller** (Mexico), speaking on behalf of the Rio Group, said that the Rio Group countries were proud of their multi-ethnic and multicultural character, which was a product of historic and contemporary migratory flows. Unfortunately, the contribution of migrants to economic and social development in host societies was not sufficiently recognized, particularly in the midst of the global economic and financial crisis.

39. As a general rule, migrants should not be subjected to unlawful detention. The Rio Group therefore regretted the adoption of laws criminalizing undocumented migration and encouraged Member States to end excessively long detention periods for persons not found guilty of a crime. The Group also called upon States to eliminate politically motivated laws that led to unsafe migration or stigmatized any given group of people. The tendency to criminalize migrants was particularly alarming, given that most of them merely wanted a better future for themselves and their families and often risked their lives and ventured into unfamiliar environments to pursue it.

40. Cooperation and dialogue among the countries of origin, transit and destination of migrants were crucial in order to take advantage of the benefits of migration and to address the challenges that it posed in a coherent

manner. Respect for and promotion of the human rights and dignity of migrants must be central to such an approach, as must the related fight against racism and xenophobia. The Rio Group was pleased that the issue of human rights had been considered at the Global Forum on Migration and Development and noted the need to continue promoting the human rights of migrants in relevant United Nations activities. Given the ongoing violations of migrants' rights worldwide, the Group would continue to call for recognition, respect and protection of those rights.

41. **Ms. Schlyter** (Sweden), speaking on behalf of the European Union; the candidate countries Croatia and the former Yugoslav Republic of Macedonia; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; the European Free Trade Association member country Liechtenstein, as well as Armenia, Georgia, Republic of Moldova and Ukraine, said that the development of a comprehensive normative framework over the past sixty years had established human rights as universal legal entitlements. A critical shift was taking place in the global community's perception of human rights but much remained to be done to ensure their implementation.

42. An increasing number of countries across the world had abolished the death penalty from their national legislation, thus contributing to the enhancement of human dignity and the progressive development of human rights. However, the increasing number of executions in some States was a matter of concern. The European Union called on all countries which retained the death penalty to move towards its abolition in all circumstances.

43. All Governments had a duty to eliminate barriers to the freedom of expression and information. The media had a key role in scrutinizing Government actions, and human rights defenders had the duty to expose abuses. One challenge was the increasing recourse by States to restrictions on the use of new technologies such as the Internet which undermined the potential of those technologies to promote the freedom of expression. Restrictions should only be permitted in accordance with human rights obligations.

44. The European Union was concerned at the continued violence and harassment suffered by human rights defenders in all regions of the world and paid particular attention to the situation of those who were most vulnerable, including women human rights defenders and those defending the rights of lesbian, gay, bisexual and transgender persons. International law did not allow for any exception to the prohibition of torture. States that had not yet done so should become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and all States parties should comply strictly with their obligations under the Convention.

45. Freedom of thought, conscience and religion applied equally to individuals whose religion or belief was not traditionally practised in a particular country, those belonging to religious minorities, as well as theistic, non-theistic and atheistic individuals. Freedom of opinion and expression was necessary to create pluralist, tolerant, broad-minded and democratic societies. Regrettably, discrimination based on religion or belief still existed in all regions of the world, as did racism, racial discrimination, xenophobia and related intolerance. Combating those problems was a priority for the European Union. Further efforts were also needed to ensure better implementation of economic, social and cultural rights. The response of Member States to the global financial crisis should not undermine human rights protection. The European Union would continue to work for the implementation of the Millennium Development Goals (MDGs) and the integration of a human rights perspective into United Nations development efforts.

46. Discrimination and violence based on sexual orientation and gender identity were prevalent worldwide. The European Union fully supported the proposed declaration on human rights, sexual orientation and gender identity, which had been read out in the General Assembly in December 2008 on behalf of 67 Member States. All States should decriminalize same-sex relationships and uphold the human rights of lesbian, gay, bisexual or transgender people. The international community should further strengthen its commitment to human rights and their implementation in all countries in view of the continuing gap between the promise of human rights and their reality in the lives of individuals. The European Union took very seriously the responsibility of making all human rights a reality for everyone.

47. **Mr. Wenaweser** (Liechtenstein) said that, in the light of the goals that Member States had set for themselves in establishing the Human Rights Council, chief among them the effective implementation of

human rights standards and an improved culture of dialogue between States, the Council's performance gave reason for concern. Ahead of the review of the Council's work to take place in 2011, the gap between the impressive framework of internationally agreed human rights standards and their implementation remained the biggest challenge facing the Organization in its human rights work.

48. The consensus reached at the 1993 World Conference on Human Rights in Vienna regarding the respective responsibilities of States and the international community in promoting and protecting human rights should be the Organization's point of departure for work on implementation. The international community had an obligation to assist States that were willing but unable to implement their human rights obligations, and a duty to act collectively to promote and protect basic human rights when States were unwilling to do so.

49. States had taken the universal periodic review mechanism very seriously since its inception; however, in order for it to effectively support implementation, the system must be better linked to other aspects of the Council's work and in particular to the work of the treaty bodies. The Council's record in addressing systematic human rights violations that had little to do with the capacities of the State in question remained poor and one-sided, notwithstanding the ease with which special sessions could be convened. In that connection, the system of special procedures, which allowed both an in-depth consideration of specific topics and country situations, was an indispensable element of the Organization's human rights work, one whose efficacy was based on its independence.

50. Addressing the relationship between the Third Committee and the Human Rights Council would be a necessary part of the upcoming review, as agreement had not yet been reached on a division of work that fully respected the terms of General Assembly resolution 60/251 and avoided duplication of effort. Member States must respect the capacity of the Human Rights Council to make autonomous decisions, even in cases where they disagreed with them.

51. **Ms. Shinohara** (Japan) said that the protection and promotion of human rights and the development of democracy were inseparable from the process of building the capacity of individuals. Japan was therefore working to strengthen the capabilities of its citizenry and create communities in which all, including the most vulnerable, were able to realize their potential and live in dignity. It would continue to provide assistance to countries that were striving to protect human rights and promote democracy, in addition to participating actively in global efforts to mainstream and promote the human rights agenda, both within and outside the United Nations system.

52. In order to address the prejudice faced by those suffering from leprosy and their families, Japan had participated in the process by which the Advisory Committee of the Human Rights Council had drafted principles and guidelines for the elimination of discrimination against them. It had submitted a draft resolution on the question to the Council, which had been adopted by consensus at its twelfth session. Her country would continue to play a leading role in efforts to that end.

53. *Mr. Penke (Latvia) resumed the Chair.*

54. **Ms. Khvan** (Russian Federation) said that 2010 would mark the sixty-fifth anniversary of the end of the Second World War. Unfortunately, some political circles were attempting to erase from peoples' memories the fact that the United Nations and today's international system of promotion and protection of human rights had arisen as a result of that great victory over the ideology of Nazism and its theory of racial supremacy. The Russian Federation firmly condemned any attempts to desecrate the memory of those who had taken up arms and given their lives to counter that ideology.

55. The past year had marked the sixtieth anniversary of the Universal Declaration of Human Rights, which had given Member States the opportunity to look back and take stock. Recognition of the significance of human rights had clearly grown around the world, yet the full realization of the universal standards enshrined in the Universal Declaration and international human rights covenants had been hampered by the imposition of one-sided standards and selective interpretation of human rights and the principles of democracy.

56. Every society had the right to choose its path of development freely, but it was difficult to envisage a harmonious society without respect for human rights and freedoms. The universal human rights standards were the same for all and must be implemented with due consideration of the civilization, culture, moral codes and traditional values of societies. The

imposition of one-sided standards in that area and a politicized interpretation of human rights and the principles of democracy could not be permitted, as it contradicted the basic postulates of international law and undermined confidence in human rights.

57. The Human Rights Council had become the main instrument and a powerful force for mobilizing the international community's efforts to promote and protect human rights. With its establishment, the human rights work of the United Nations had taken on a new dimension which reflected the realities of today's world order. The Council offered a new format to enrich the doctrine of human rights and to strengthen and develop equitable and mutually respectful inter-State cooperation in that sphere with the involvement of as many participants as possible.

58. It was too early to assess the universal periodic review, but past sessions had shown its potential to become a major international instrument for promoting and protecting human rights. The review format was proving to be constructive, positive and efficient, and the countries taking part were demonstrating their commitment to ensuring human rights and their readiness to take concrete steps in that direction. Goodwill on the part of the States being reviewed and those making recommendations guaranteed the success of that work.

59. The universal periodic review and the activities of the Council as a whole would scarcely have been possible without the support provided by OHCHR. She commended the work of OHCHR and of the High Commissioner Ms. Pillay. The efforts to establish constructive and depoliticized cooperation in the area of human rights should be continued. The goodwill and steadfast work of all interested parties — States, international organizations and civil society organizations — would guarantee achievement of the goals set out in the Vienna Declaration and the Programme of Action. The main objective was to ensure that respect for human rights fostered the construction of a more just world order and reflected both the diversity of today's world and the traditional values of humanity.

60. **Mr. Sial** (Pakistan) said that, while the universality and interdependence of all the human rights was affirmed time and again, the existing international order continued to be beset by selectivity, economic and political exploitation. Political considerations therefore needed to be separated from the promotion and protection of human rights. Moreover, the successful implementation of human rights instruments would remain elusive until poverty alleviation became the central theme of the human rights mechanism. It was a matter of deep concern that, in the two decades since the adoption of the Vienna Declaration, little progress had been made by the international community towards realizing the right to development for the millions who aspired to be lifted out of poverty.

61. International human rights law, while based on timeless principles, must adapt to emerging challenges, such as racial and religious discrimination and xenophobia, which threatened the multicultural fabric of many societies. Although freedom of expression was sacrosanct, it must not be exploited to defame religions or belief systems or to incite violence against their followers. The international community must address the excesses being committed in the name of freedom of expression and opinion.

62. The dialogue with various Special Rapporteurs gave the Committee an opportunity to review the work done under their mandates. However, some of the reports of the Special Rapporteurs conveyed politically motivated views, contrary to the special procedures mandate. His delegation expected Special Rapporteurs to ensure that their personal political opinions did not undermine the independent nature of their mandate.

63. The Pakistani Constitution guaranteed equality before the law and respect for the fundamental rights and freedoms of all its citizens. A State party to numerous international human rights instruments, Pakistan monitored and addressed human rights violations through its Ministry of Human Rights, and it was working to establish a national commission on human rights, in accordance with the Paris Principles.

64. In the previous two years, Pakistan had made an impressive transition to democracy. Its media, some of the freest in South Asia, actively monitored Government policies and raised the people's awareness of their rights. A vibrant civil society was fostering a culture of accountability and transparency in the formulation and implementation of policies on human rights. Moreover, Pakistan's independent judiciary had taken a variety of steps to guarantee protection of the constitutional rights of all citizens.

65. Attesting to his country's determination to uproot the alien menaces of extremism and terrorism from its soil, a comprehensive anti-terror strategy had been devised, and significant gains had been made. His Government expressed gratitude for the generous support of the international community in that endeavour.

66. **Ms. Blum** (Colombia) said that the achievements of her country's National Development Plan had brought about significant progress in the promotion of economic, social and cultural rights. The strengthening of the rule of law, the reduction of violence and the demobilization of over 52,000 members of illegal armed groups had had a positive impact on the promotion of human rights, as had a number of institutions and Government strategies, such as the implementation of the accusatory system of criminal justice; the implementation of a comprehensive policy on human rights and international humanitarian law in the Ministry of Defence; and the work of the Ombudsman's office as an independent monitoring entity. Moreover, the Government had acted swiftly to address human rights violations potentially attributable to any State agent.

67. Concern at the attacks against human rights organizations perpetrated by illegal armed groups, her Government was working to strengthen the legal framework for the protection of human rights defenders by enacting relevant laws and allocating additional funds for a protection programme. It had recently established a national bureau and 14 regional bureaux to guarantee the work of defenders.

68. Colombia had consistently maintained a policy of openness to cooperation and international oversight in the area of human rights. In addition to establishing a nationwide participatory mechanism to follow up on the recommendations of the Office of the High Commissioner for Human Rights, her country had undergone the universal periodic review of the Human Rights Council in 2008. In fulfilment of the commitments made in the review, Colombia had welcomed a number of Special Rapporteurs earlier that year and looked forward to making constructive use of their recommendations.

69. **Archbishop Migliore** (Holy See) said that the right to religious freedom, despite being repeatedly proclaimed by the international community and specified in international instruments, continued to be widely violated. Acts of intolerance continued to be perpetrated against all religions. It was well documented that Christians were the religious group most discriminated against, with over 200 million of them in situations of difficulty because of legal and cultural structures. Over the previous few months, extremists in Asian and Middle Eastern countries had attacked Christian communities in response to accusations against individuals perceived — according to anti-blasphemy laws — as being disrespectful of the beliefs of others. In that context, his delegation welcomed the promise of the Government of Pakistan to review and amend such laws, which had been used to persecute those holding different beliefs and fostered injustice and sectarian violence.

70. Governments must address the root causes of religious intolerance and repeal laws that served as instruments of abuse. However, restricting freedom of expression should be avoided, as doing so could not change attitudes. Authentic freedom of expression could contribute to a greater respect for all people by giving all, including ethnic and religious minorities, a voice to speak out against religious intolerance and racism and promote the equal dignity of all persons. Interfaith cooperation and education regarding the importance of tolerance and respect for cultural and religious diversity were essential to increasing mutual understanding among religions and thereby transforming society. Faithful application of the principles enshrined in the basic instruments of the United Nations would ensure that the rights of all people were respected, regardless of their beliefs.

71. **Mr. Liu** Zhenmin (China) said that while the United Nations had made numerous achievements in the field of human rights in the sixty years since the adoption of the Universal Declaration of Human Rights, there was still room for improvement. Each country's cultural and historical particularities, economic circumstances and chosen development path must be acknowledged and respected. Imposition of a single model of human rights promotion and protection must therefore be avoided. Importance must be attached to the right to development, which developing countries had greater difficulty in attaining due to the world financial crisis. The international community should demonstrate political will and increase its financial and technical assistance to the developing countries.

72. The international community should also promote the building of harmonious and inclusive societies by implementing a zero-tolerance policy towards prejudice and racism. In that connection, his Government supported the adoption by consensus by the General Assembly of the outcome document of the Durban Review Conference. Politicization and double standards in the work of the Human Rights Council, the Third Committee and the relevant human rights treaty bodies must be eliminated. Moreover, severe underrepresentation of developing countries in United Nations human rights bodies, including the Office of the High Commissioner for Human Rights (OHCHR), must be rectified urgently. The process of selecting candidates for the special procedures must be improved to fully reflect the specificities of different cultures and legal systems.

73. China had been reviewed by the Human Rights Council under the universal periodic review earlier that year and would implement the recommendations that it had accepted, in conjunction with its political and economic development strategies. With regard to the upcoming review of the Council, his delegation hoped that, in accordance with General Assembly resolution 60/251, all parties would further rationalize the division of work among different United Nations human rights bodies and improve efficiency so as to enable the Council to operate in a more impartial and non-selective manner.

74. In the six decades since its establishment, the People's Republic of China had made great strides in its promotion of human rights, the rule of law and political reform. Life expectancy had doubled, illiteracy had been drastically reduced and hundreds of millions of people had emerged from poverty. Furthermore, citizens' participation in civil society, State and social affairs had increased significantly. Nevertheless, China remained aware of the numerous challenges that it still faced as the world's largest developing country. In view of those challenges, his Government had introduced a number of concrete measures, including an economic stimulus package, an expanded poverty alleviation programme, a new health-care reform programme, and the first biennial national human rights action plan.

75. **Mr. Loulichki** (Morocco) said that despite the considerable progress made by the United Nations in establishing human rights standards and instruments over the previous six decades, numerous challenges remained. Efforts to codify human rights norms would fall short without concrete action on the part of States. Furthermore, cultural particularities, while fully deserving of respect, must not serve as a pretext for contesting the universality of human rights. Indeed, the defence of cultural diversity and the promotion of human rights constituted complementary, rather than opposing, struggles. However, the greatest hindrance to both causes was the politicization of human rights, the perpetrators of which merely aimed to draw the attention of the international community away from their failures and institutionalized violations of the human rights of their own citizens.

76. Morocco was working to consolidate the rule of law and reform human rights mechanisms. Improvements in the situation of women, judicial reform, human rights education and human development, among other areas, attested to his country's commitment to protecting human rights. The universal periodic review of Morocco by the Human Rights Council in 2007 had recognized the far-reaching nature of the reforms undertaken and had encouraged the Government to continue exerting efforts to that end.

77. **Ms. Jarbussynova** (Kazakhstan) said that her Government had made the human dimension one of the main priorities of its domestic policy. In the past year, Kazakhstan had signed the Convention on the Rights of Persons with Disabilities and its Optional Protocol, in addition to ratifying the Optional Protocol to the International Covenant on Civil and Political Rights and the International Convention for the Protection of All Persons from Enforced Disappearance. Her country was also working to fulfil its reporting obligations under the human rights instruments to which it was a party.

78. In November 2008, the Committee against Torture had published its concluding observations concerning Kazakhstan's second periodic report on the implementation of the Convention against Torture. In response to her Government's invitation, the Special Rapporteur on torture had visited the country that May. While the Special Rapporteur had commended in his recent statement to the Third Committee the Government's efforts to improve conditions in detention facilities, his supposition that facilities and detainees had been prepared prior to his inspection was refuted by the fact that he had been granted round-the-clock access to any detention centre in the country. His

depiction of violence against women as a widespread phenomenon in Kazakhstan was also dubious, given that he had only visited detention facilities during his mission and that domestic violence, while a matter of concern in her country, could not be described as widespread. Nevertheless, legislative measures had been taken to prevent domestic violence and protect its victims. Kazakhstan was committed to continued cooperation with special procedures mandate holders.

79. The Government had recently adopted the National Human Rights Action Plan for 2009 to 2012, aimed at improving national human rights legislation and law enforcement and raising the population's awareness of human rights protection mechanisms. The Action Plan had been instrumental in Kazakhstan's preparation for the universal periodic review, scheduled for February 2010. In addition, the recently adopted Concept of Legal Policy for 2010 to 2020 aimed to improve existing law enforcement practice and liberalize the legal system.

80. Kazakhstan, which would hold the chairmanship of the Organization for Security and Cooperation in Europe (OSCE) in 2010, had made substantial progress in promoting democratic values and would fulfil its mandate in a transparent and impartial manner. Furthermore, Kazakhstan looked forward to sharing lessons learned in maintaining inter-ethnic and interreligious accord, one of its most significant achievements, with the OSCE Member States. Lastly, she called upon all countries to implement the provisions of General Assembly resolution 62/90, which declared 2010 the International Year for the Rapprochement of Cultures.

81. *Mr. Pérez (Peru), Vice-Chairperson, resumed the Chair.*

82. **Mr. Srivali** (Thailand) said that Thailand was firmly committed to the protection of human rights and the promotion of good governance and the rule of law. In spite of the recent political turmoil in Thailand, it had been fulfilling the international obligations set forth in the seven core human rights instruments to which it was a party. Furthermore, human rights were enshrined in the Thai Constitution and upheld as a policy priority by the Government.

83. Thailand's National Human Rights Commission had been established under the 1997 Constitution as an independent entity tasked with monitoring and protecting human rights in the public and private sectors, in addition to promoting human rights education. Government efforts to disseminate information on human rights included a translation of the Universal Declaration of Human Rights into Braille and publication of a human rights manual for the military.

84. As current chair of the Association of Southeast Asian Nations (ASEAN), Thailand had inaugurated the organization's first Intergovernmental Commission on Human Rights at its recent summit. ASEAN was also in the process of setting up a commission on the promotion and protection of the rights of women and children. Lastly, Thailand welcomed the establishment of the Human Rights Council's universal periodic review and hoped that the innovative mechanism would work in a manner that ensured equal treatment of all States.

The meeting rose at 5:50 p.m.